City Planning Commission Meeting – July 28, 2015

CONSIDERATION – SUBDIVISION DOCKET – 067-15

Applicant: Xavier University of Louisiana

Prepared By: Larry Massey, Jr.

Date: July 16, 2015

Deadline: September 11, 2015

GENERAL INFORMATION

Proposal: Re-subdivision of Lot A, Square 544, Lot M, Square 545, Lot 2-B, Square

546, Lot 1, Square 543, Lot R, a portion of Fern Street, and an

undesignated portion of ground into Lot X-1, Square 546.

Location: Seventh Municipal District, bounded by Endinburgh, Short, Palm, and

Lowerline Streets. The municipal addresses are 3536 Lowerline Street,

7801-7933 Edinburgh, and 3501-3525 Short Street. (PD 4)

Zoning: C-1A General Commercial Districts and RM-4 Multiple-Family

Residential District.

Current

Land Use: The petitioned site is undeveloped except for a cell tower near its Short

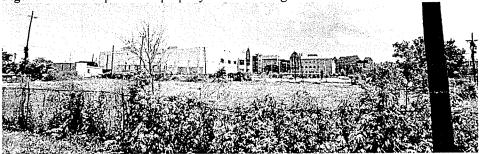
Street frontage.

Description: The applicant proposes to re-subdivide five lots, a former portion of Fern

Street, and an undesignated portion of land into one lot so that the site can be developed with a parking lot. As a result, the proposed lot shape is irregular and has multiple frontages on bounding streets. Proposed Lot X-

1 would have an area of 120,111 square feet (2.757 acres).

Figure 1: View of petitioned property from Edinburgh Street near Lowerline Street



The applicant plans to develop the site for use as a non-accessory parking lot for the use of Xavier University's students, faculty, staff, and visitors. The lot would provide 275 parking spaces, including 7 handicap-accessible spaces. Landscaping is proposed along the edges of the site and on landscaped islands in the interior of the site.

Required:

Current lots M, R, 1, and 2-B, the former portion of Fern Street, and an undesignated portion of land is zoned C-1A General Commercial District which allows non-accessory parking lots as conditional uses. Lot A is zoned RM-4 Multiple-Family Residential District, which allows university parking lots by right. A conditional use for the C-1A portion of the site was approved under Ordinance No. 25,525 M.C.S. (Zoning Docket 060/13). The approval of this conditional use included a proviso requiring the subdivision of this site into one lot of record.

The C-1A District does not prescribe a minimum lot width, depth, or area. The portion of the site near the intersection of Lowerline and Palm Street is zoned RM-4, which according to **Article 4**, **Section 4.12.7** (**Table 4.L**) requires nonresidential sites to have a minimum width of 100 feet, minimum depth of 100 feet, and minimum lot area of 20,000 square feet. Proposed Lot X-1 exceeds all of these requirements.

The proposed lot would be a multiple-frontage lot, as it would have frontage on parallel streets: Palm and Edinburgh Streets, and Short and Lowerline Streets. **Article 5, Section 5.5.5 Double Frontage Lots** of the *New Orleans Subdivision Regulations* states that double frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography or adjacent non-compatible land uses. It also allows for the creation of a double frontage lot in an established urban environment where a similar development pattern already exists in the surrounding blocks and where a second frontage would provide for off-street parking and fire access to the building that would otherwise not be present.

LOT SIZE

Existing Lots:

Existing lots A, M, R, 1, and 2-B are mostly rectangular lots that vary in depth from 101.77 feet to 164.92 feet, width from 50.79 feet to 265.45 feet, and area from approximately 8,839 square feet to approximately 36,748 square feet. The former portion of Fern Street included in this request has a frontage of 50.80 feet on Fern Street, a depth of 64.08 feet on the property's riverside, a depth of 50.79 feet on the lakeside of the

Although the parking lot is intended to serve Xavier University's students, faculty, staff, and visitors and will not serve as a pay-to-park lot for the use of the general public, it is considered to be a non-accessory lot rather than an accessory lot because it is not on the same lot of record as a university building.

property, and a total area of approximately 2,603 square feet. The undesignated property included in this request has a width of 75.03 feet, a depth of 243.71 feet on the uptown side of the property, a depth of approximately 230 feet on the downtown side of the property, and a total area of 17,341 square feet.

5 (50' Highl of Way) (9 150.61° >21.77′54279307¢ (21.9.2) Lot A Sq 544 Portion of Fern Street ART Lot M 8.839 ft² NOT A P. 2.603 ft² Sq 545 SQUARE 16,948 ft² Undesignated 17,341 ft2 Lot R 14,050 ft2 Lot 2-B Lot 1 Sq 543 Sq 546 22,971 ft² 36,748 ft²

Figure 2: Existing lots comprising the petitioned site

Proposed Lot:

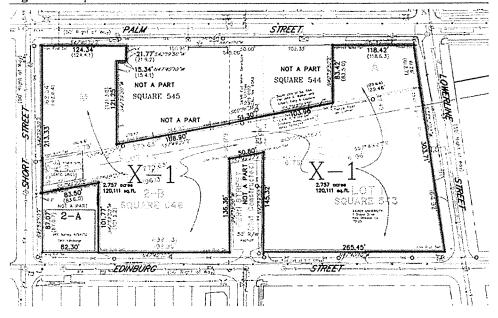
Lot X-1 would have multiple frontages on the bounding streets, including three frontages on Fern Street, two frontages on Palm and Edinburgh Streets, and a single frontage on Short and Lowerline Streets (Table 1).

Table 1: Proposed Lot X-1 street frontage measurements

Street name	Frontage width
Edinburgh Street	192.95 feet
	265.45 feet
Fern Street	136.36 feet
	50.80 feet
	145.32 feet
Lowerline Street	303.71 feet
Palm Street	124.34 feet
	118.42 feet
Short Street	213.33 feet

Lot X-1 would contain a total area of 120,111 square feet, approximately 73% of the land bounded by Palm, Lowerline, Edinburgh, and Short Streets. The remaining land in this area is occupied by a business that has frontage on Palm Street and specializes in concrete and cast stone products, and a small warehouse building located at the corner of Short and Edinburg Streets.

Figure 3: Proposed Lot X-1



ANALYSIS

Development in the Vicinity:

The C-1A General Commercial District that covers most of the subject site also includes a number of commercial, industrial, and undeveloped properties that neighbor Xavier University's West Campus. The C-1A District also includes properties which are directly opposite Short Street from the subject site. Those properties, which have their rear frontage on Short Street and their primary frontage on South Carrollton Avenue, include a Pep Boys retail store, a reception hall, and their accessory parking lots. Additionally, the C-1A District also includes those properties which front on Edinburgh Street between Fern and Short Streets, which are located directly across Edinburgh Street from the subject site. Those lots, which are owned by Xavier University, are currently undeveloped. Finally, the C-1A District also includes a series of squares located across Stroelitz and Broadway Streets from the West Campus. Most parcels on these squares are used for warehousing and storage purposes, as those squares were historically zoned for industrial use².

The area to the opposite side of Edinburgh Street from the West Campus is primarily single- and two-family residential in character, which is reflected by its RD-2 Two-Family Residential District zoning. The area features a dense collection of early 20th Century single- and two-family residences, most of which are shotgun-style structures. The structures are situated close to the street, with minimal front setbacks, and to each other, separated by shallow side yards. In addition to these residential structures, there

² These squares were zoned for industrial use until 2011, when the area was rezoned from LI Light Industrial District to C-1A General Commercial District. This rezoning was effected by Ordinance 24,568 MCS (Zoning Docket 46/11).

are some non-residential uses throughout the neighborhood, including institutions such as churches and schools, historic neighborhood businesses, and some vacant lots.

The portion of the petitioned property closest to the intersection of Palm and Lowerline Streets is located within an RM-4 Multiple-Family Residential District that extends across Washington Avenue and includes most of Xavier Univerity's campus.

Utilities & Regulatory Agencies

As part of the normal review process for subdivision proposals, the City Planning Commission staff requests responses from the Departments of Property Management (Division of Real Estate and Records), Public Works, and Safety and Permits, the Sewerage and Water Board, Entergy, and the Historic District Landmarks Commission, if applicable. The purpose of the reviews by these agencies is to determine whether the proposed subdivision would have any impact on the City's infrastructure and whether it would comply with the City's building code and other applicable regulations.

At the time of this report, the staff had received responses three of the requested agencies. The Department of Safety and Permits, the Department of Property Management (Division of Real Estate and Records), and the Sewerage & Water Board reported no exception to the request. The Department of Public Works and Entergy have not yet commented on the survey.

<u>COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE, THE</u> SUBDIVISION REGULATIONS, AND THE MASTER PLAN:

Comprehensive Zoning Ordinance

The proposed lot is mostly zoned C-1A General Commercial District which allows non-accessory parking lots as conditional uses. The remaining portion of the site is zoned RM-4 Multiple-Family Residential District, which allows university parking lots by right. A conditional use for the C-1A portion of the site was approved under Zoning Docket 060/13. The approval of this conditional use included a proviso requiring the subdivision of this site into one lot of record.

Subdivision Regulations

The proposed lot would be a double frontage lot. Article 5, Section 5.5.5 Double Frontage Lots of the New Orleans Subdivision Regulations discourages the creation of double frontage lots except in instances that meet one of the following criteria:

1. Where the creation of a double frontage lot would be essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography or adjacent non-compatible land uses, or

2. Where a double frontage lot would be located in an established urban environment in which a similar development pattern already exists in the surrounding blocks, and where a second frontage would provide for off-street parking and fire access to the building that would otherwise not be present.

The proposed subdivision would create a development site that would soften the transition between Xavier University and the nearby RD-2 Two-Family Residential neighborhood. Additionally, a number of the University lots in the area have multiple frontages, including several surface parking lots located between Washington Avenue and Palm Street. This development pattern is not uncommon of institutional uses due to the scale of these developments.

The irregular shape of the proposed lot is a result of an existing business and a street right-of-way that extends halfway into the site. Though irregular in shape, the site does contain the area approved for a conditional use to construct a parking lot. The combination of these lots is a requirement of that approval.

Is the proposed action supported by or in conflict with the policies and strategies of the Plan for the 21st Century: New Orleans 2030?

A land use action is consistent with the Plan for the 21st Century, commonly known as the Master Plan, if it furthers, or at least does not interfere with, the goals, policies, and is compatible with the proposed future uses, densities, and intensities designated in the Land Use Element of the Plan. Chapter 14 of the Master Plan (the Land Use Plan) designates the future land use of the petitioned site as "Mixed-Use Low Density" and "Educational Campus District." The goal, range of uses and development character for that designation are provided below:

MIXED-USE LOW DENSITY

Goal: Increase neighborhood convenience and walkability within and along edges of neighborhoods with low density residential and neighborhood-serving retail/commercial establishments.

Range of Uses: Low-density single-family, two-family and multifamily residential and neighborhood business; typically businesses in residential scale buildings interspersed with residences. Uses can be combined horizontally or vertically (ground floor retail required in certain areas). Limited light-industrial uses (craft and value added industry and passive warehousing and storage) may be allowed in some areas.

Development Character: Height, mass and density of new development varied depending on surrounding neighborhood character.

INSTITUTIONAL

Goal: Preserve and enhance existing large-scale institutions such as health care, education (colleges and universities), detention centers and other facilities.

Range of Uses: Hospitals, colleges, universities, military and public detention facilities with large campus-like facilities. Smaller-scale, local houses of worship, public and private schools, police and fire stations, emergency and community centers are included in residential, commercial and mixed-use areas, as they are essential components of neighborhood life.

Development Character: Large-scale, coordinated campus development with appropriate transitions to surrounding uses and neighborhoods.

The proposed subdivision is to accommodate a surface parking lot, which will support other university facilities. The site is located along the edge of the Xavier University campus and serves as a transition between Xavier University owned property and the primarily residential neighborhood located opposite and beyond Edinburgh Street. The site has a history of industrial use. The proposed use of the site as a parking lot would be consistent with that non-residential history but would be less impactful on nearby residences.

The Master Plan also provides a list of land use goals, strategies, and actions within Chapter 14: Land Use Plan. Within the Land Use Plan chapter, Goal 1 states: "Promote smart growth land use patterns in New Orleans and the region. That goal is supported by the following strategy: "Adopt sustainable land use and zoning practices." The staff believes that the large parking lot, at this location, could support both the university campus general operations as well as soften the transition to the surrounding residential area through the use of landscaping and stormwater management Best Management Practices (BMPs). The parking lot would also help alleviate current high demand for onstreet automobile parking utilized by both university operations and residents. The applicant is required to design the site to incorporate these BMPs instead of simply providing an impervious surface for automobile parking. Therefore, the staff believes the request is **consistent** with the Master Plan.

SUMMARY

Subdivision Docket Number 067/15 is a request to subdivide five lots, a former portion of Fern Street, and an undesignated portion of land into a single lot. As a result, the proposed lot shape is irregular and multiple frontages on the bounding streets. Proposed Lot X-1 would have an area of 120,111 square feet (2.757 acres). The site was previously approved under Zoning Docket Number 060/13 to develop a parking lot for Xavier University. As a result, the proposed lot shape is irregular and has multiple frontages on the bounding streets. Proposed Lot X-1 would have an area of 120,111 square feet (2.757 acres).

The proposed lot would have three frontages on Fern Street, two frontages on Palm and Edinburgh Streets, and a single frontage on Short and Lowerline Streets. It is not uncommon for the institutional sites in this area to have multiple frontages because the uses normally span most or the entire square on which they are located. This subdivision would satisfy a proviso recommended by the City Planning Commission staff and subsequently approved by the City Council, and would consolidate a number of lots, former right-of-ways, and undesignated land into one lot of record. Additionally, the proposed site would create a softer transition between Xavier University and the adjacent residential neighborhood.

The proposed subdivision generally meets the criteria under Article 5, Sections 5.1.8 Reversal of Lot Frontage of the New Orleans Subdivision Regulations, as it is located in an urban environment and the provision of off-street parking for Xavier University will be provided on the site.

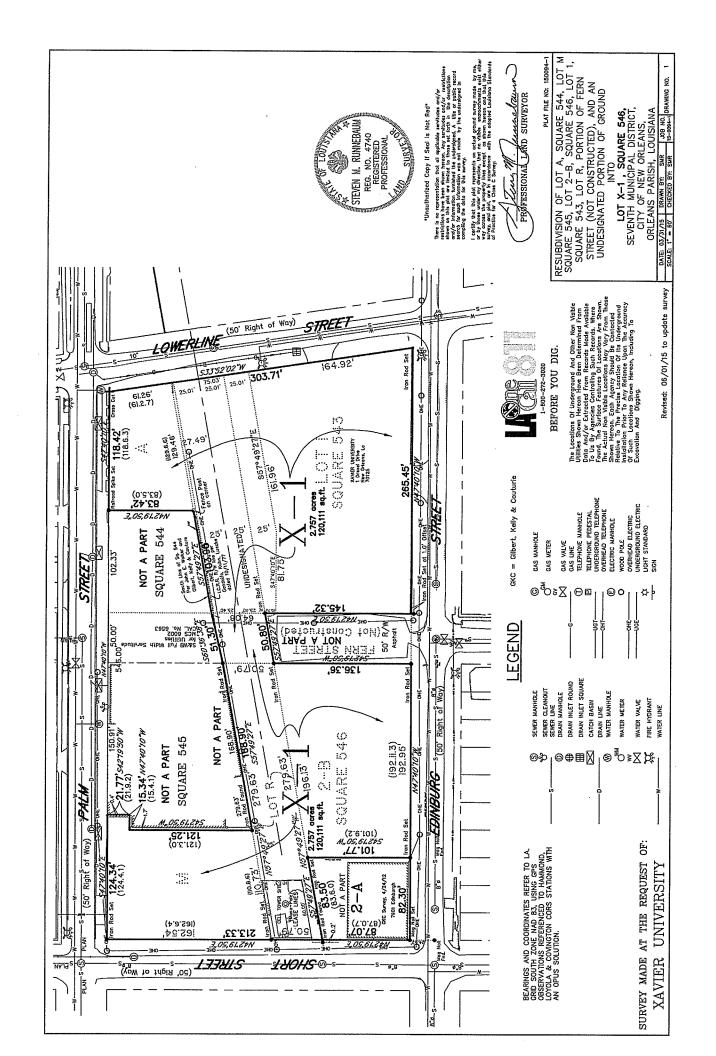
PRELIMINARY STAFF RECOMMENDATION

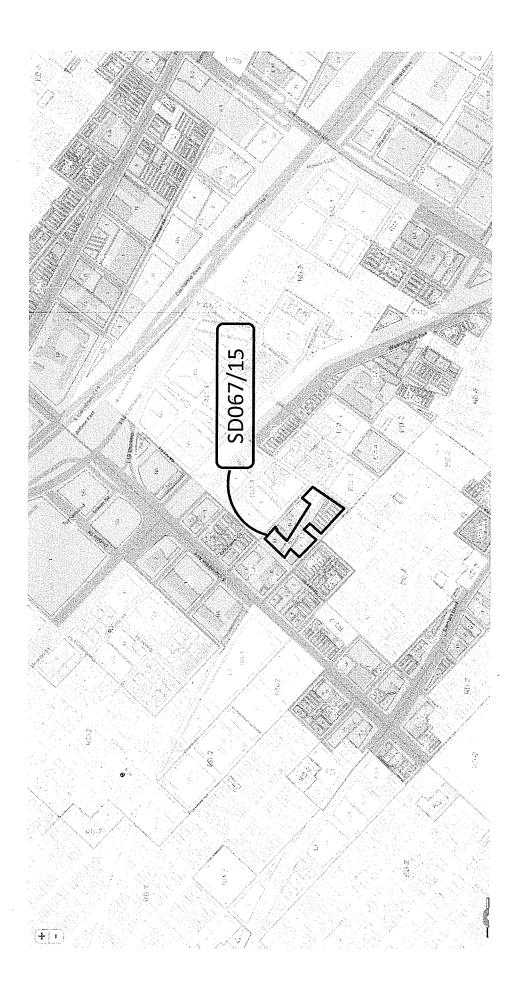
The staff recommends **TENTATIVE APPROVAL** of Subdivision Docket 067/15, with final approval subject to three (3) provisos:

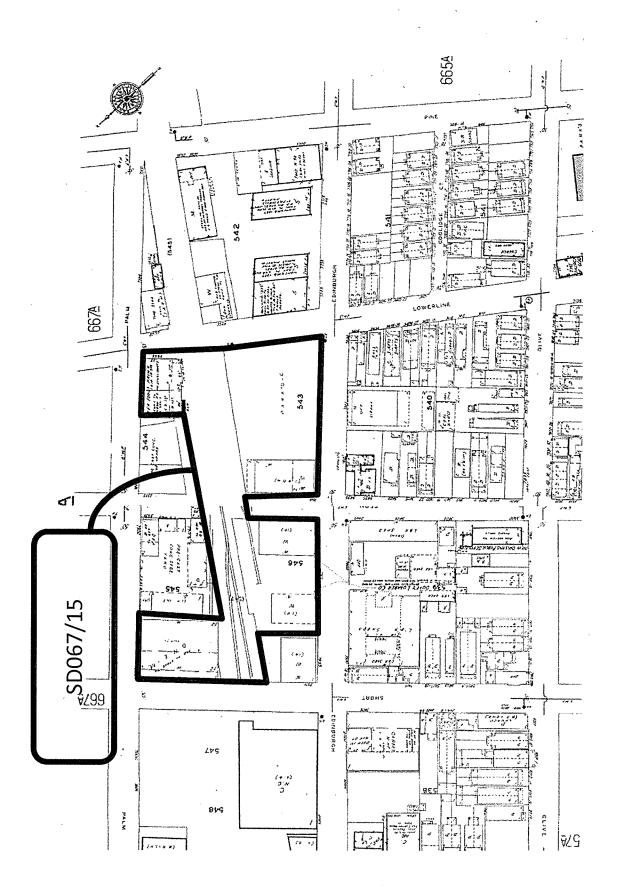
- 1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, the Historic District Landmarks Commission and the Department of Safety and Permits.
- 2. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the site.
- 3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final subdivision survey in dwg., dfx, or ESRI compatible file format.

REASONS FOR RECOMMENDATION

- 1. The proposed subdivision would create a multiple-frontage lot, and meets the criteria under **5.5.5 Double Frontage Lots** of the New Orleans Subdivision Regulations.
- 2. The proposed subdivision is consistent with the Plan for the 21st Century: New Orleans 2030. The large parking lot, at this location, could support both the university campus general operations as well as soften the transition to the surrounding residential area through the use of landscaping and stormwater management Best Management Practices (BMPs), which are also required as a condition of the site's 2013 conditional use approval.







ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: September 12, 2013

CALENDAR NO. 29,746

NO. 25525 MAYOR COUNCIL SERIES BY: COUNCILMEMBER CANTRELL

AN ORDINANCE to provide for the establishment of a Conditional Use to permit a parking lot in a C-1A General Commercial District, on Square 543, Lot 1; Square 545, Lot M; and Square 546, Lots 2 and R; in the Seventh Municipal District, bounded by Palm, Short, Edinburgh and Lowerline Streets (Municipal Addresses: 7801 and 7901 Edinburgh Street and 3501 and 3525 Short Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 60/13 was initiated by Xavier University of Louisiana and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval of the conditional use in its report to the City Council dated June 27, 2013, presented in Zoning Docket Number 60/13; and

WHEREAS, the recommendation of the City Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, subject to eleven (11) provisos, as stated in Motion Number M-13-305 of the Council of the City of New Orleans on August 22, 2013.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS that a Conditional Use to permit a parking lot in a C-1A General Commercial District, on Square 543, Lot 1; Square 545, Lot M; and Square 546, Lots 2 and R; in the Seventh Municipal District, bounded by Palm, Short, Edinburgh and Lowerline Streets (Municipal Addresses: 7801 and 7901 Edinburgh Street and 3501 and 3525 Short Street); is hereby authorized and approved, subject to the following provisos, as specifically set forth herein:

PROVISOS:

No person shall use any of the properties described herein or permit another to use any of those properties described herein for the use authorized by this ordinance, unless the following requirements are met and continue to be met:

- 1. The Department of Safety and Permits shall issue no building permits or licenses until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
- 2. The developer shall submit a resubdivision application prior to the finalization of the conditional use consolidating the lot into a single lot of record. Additionally, the subdivision shall be finalized prior to the issuance of a Certificate of Use and Occupancy by the Department of Safety and Permits.
- 3. The developer shall submit a revised parking plan showing the required three (3) percent allotment of handicapped parking spaces.
- 4. The developer shall include in the revised site plan a drainage arrangement indicating any retention, dispersion and direction of water flow within and/or away from the proposed off-site off-street parking

facility, subject to the review and approval of the City Planning Commission staff.

- 5. The developer shall revise the site plan to reflect sustainable land use practices though incorporation of landscape and stormwater management techniques within the proposed facility subject to the review and approval of the staff of the City Planning Commission. The plans shall indicate, at a minimum, that the slope of the site's impervious surfaces be oriented toward open landscaping and/or stormwater Best Management Practices (BMPs) in order to delay site runoff into existing Municipal Separate Storm Sewer Systems (MS4) and adjacent properties during major storm events.
- 6. The developer shall indicate in the revised site plan the location of any proposed lighting standards and include a lighting package inclusive of the manufacturers design schematics for any proposed lighting within the proposed facility subject to the review and approval of the staff of the City Planning Commission. The plans shall indicate that all lighting is to be oriented toward the center of the site and away from adjacent properties.
- 7. The developer shall submit revised site plans showing six foot tall opaque wooden fencing along all interior property lines, six foot tall wrought iron fencing with landscaping along the Edinburgh Street right-of-way, and no fencing along the Fern, Palm, Short, Lowerline Street rights-of-way.
- 8. A landscape plan must be submitted to the staff of the City Planning Commission for final review, indicating species, location, size, and any other specifications related to the landscaping subject to the review and approval of the City Planning Commission and the Department of Parks and Parkways
- a. A minimum of 10% of the interior vehicle use area shall contain landscaping. The developer's site plan shall include area calculations for all interior islands and perimeter landscaping areas.
- b. All parking islands must contain at least one (1) 3-1/2" caliper tree at least ten (10) feet in height and three (3) shrubs at least two (2) feet in height. For each 200 square feet within an interior island there shall be one (1) tree.
- c. Within four (4) feet from the street right-of-way, three and one-half (3 1/2) inch caliper trees at least ten (10) feet in height shall be planted equivalent to thirty (30) feet on center along all frontages
- d. All landscaping, including plant materials, screen, and any other improvements shall be maintained in a healthy and orderly appearance, including the immediate replacement of any and all dead or dying trees.

Such maintenance is the responsibility of the owner/agent/lessee, together or separately. If no permanent irrigation system is used, there shall be a hose bibb (faucet) installed within 200 feet of any landscaped area to allow for hand watering.

- 9. All signage shall conform to the requirements of Article 15, Section 15.2.5.18 Signage of the Comprehensive Zoning Ordinance. The developer shall submit proposed signage to the City Planning Commission staff for their review and approval.
- 10. The developer shall secure the approval of the Department of Public Works for all proposed curb cuts, the drainage plan for the site, and all other improvements to the public right-of-way adjacent to the site.
- 11. The developer shall indicate the location of a minimum of one (1) litter receptacle on the site plan. Further, the developer shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the appropriate university

representative shall be included in this letter to be kept on file in case of any violation.

SECTION 2. Whoever does anything prohibited by this Ordinance or fails to do anything required to be done by this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine or to imprisonment or both, such fine and/or imprisonment set by Section 1-13 of the 1995 Code of the City of New Orleans, or should alternatively be subject to whatever civil liabilities, penalties or remedies the law may prescribe. Conviction shall be cause for the immediate cancellation of the Use and Occupancy permit of the premises.

SECTION 3. This ordinance shall have the legal force and effect of authorizing this conditional use only after all the provisos listed in Section 1 of this Ordinance which impose a one-time obligation have been completely fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing or on-going obligation shall have begun to be fulfilled, as evidenced by the Planning Commission's approval of a final site plan, on or before one year from the date of adoption of this ordinance, (which shall be incorporated into this ordinance by reference) and its subsequent recordation, and no use or occupancy certificates or permits (other than the building permits needed to fulfill the provisos) shall be issued until all the provisos which impose a one-time obligation have been completely fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing or ongoing obligation shall have begun to be fulfilled, as evidenced by the Planning Commission's approval of a final site plan (which shall be incorporated into this ordinance by reference) and its subsequent recordation. If the development or construction of the conditional use authorized herein is not commenced within one (1) year from the date this ordinance becomes law, as contemplated by Section 3-113 of the Home Rule Charter of the City of New Orleans, the provisions of this Ordinance shall be null, void and of no legal force and effect.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS OCTOBER 10, 2013

JACQUELYN B. CLARKSON

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON OCTOBER 11, 2013

APPROVED: OCTOBER 15, 2013

MITCHELL J. LANDRIEU

MAYOR

RETURNED BY THE MAYOR ON OCTOBER 15, 2013 AT 2:35 P.M.

LORA W. JOHNSON

INTERIM CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7

NAYS: 0 ABSENT: 0

